

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Stephen CARLEY

Application No.: Unassigned

Art Unit: Unassigned

Filed: Concurrently Herewith

Examiner: Unassigned

Title: SYSTEM AND METHOD FOR PROVIDING COMPOSITE VARIANCE  
ANALYSIS FOR NETWORK OPERATION

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08A is a listing of documents known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 C.F.R. §1.56.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

The documents submitted herewith on Form PTO/SB/08A, lists the documents cited by or submitted to the Patent Office in parent application Serial No. 09/906,288, filed July 16, 2001.

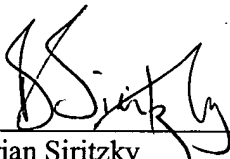
As provided in 37 C.F.R. § 1.98(d), copies of the documents are not being provided since they were previously cited by or submitted to the Patent Office in parent application Serial No. 09/906,288, filed July 16, 2001.

The instant Information Disclosure Statement is being filed within three months of the filing date under 37 CFR §1.97(b)(1), therefore, no fee is required in connection with its filing. However, the Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-SB/08A be returned in accordance with M.P.E.P. §609.

Respectfully submitted,

12/24/2003  
Date

  
Brian Siritzky  
Reg. No. 37,497  
Attorney for Applicants

**Customer ID No. 26633**  
HELLER EHRMAN WHITE & McAULIFFE LLP  
1666 K Street, N.W., Suite 300  
Washington, DC 20006  
Telephone: (202) 912-2000  
Facsimile: (202) 912-2020

Please type a plus sign (+) inside this box →



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

### Complete if Known

Application Number	Unassigned
Filing Date	Concurrently Herewith
First Named Inventor	Stephen CARLEY
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	39685-0040

### U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A01	6,377,907		Anthony C. Wacławski	4/2002	
	A02	6,073,089		Baker et al.	6/2000	

### FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sub>6</sub>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				

Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	Unassigned		
		Filing Date	Concurrently Herewith		
		First Named Inventor	Stephen CARLEY		
		Group Art Unit	Unassigned		
		Examiner Name	Unassigned		
Sheet	2	of	2	Attorney Docket Number	39685-0040

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	A03	MORRIS et al., "Variance of aggregated Web traffic", INFOCOM 2000, Nineteenth Annual Joint Conference of the IEEE Computer and Communications Societies, Proceedings, IEEE, Volume: 1, 2000, pages 360-366 (No month).	
	A04	JUDGE, J., "A Model for the Marginal Distribution of Aggregate Per Second HTTP Request Rate", Local and Metropolitan Area Networks, 1999, page 29-36 (No month).	
	A05	KUSHIDA, T., "The Traffic Measurement and the Empirical Studies for the Internet", Global Telecommunications Conference, 1998, IEEE, pages 1142-1147 (No month).	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.